UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
	X	
UNITED STATES OF AMERICA,	:	
-V-	:	19-CR-906-2 (JMF)
ORLANDO MERCADO,	:	ORDER
	:	OKBEK
Defendant.	:	
	X	

JESSE M. FURMAN, United States District Judge:

The conference scheduled for April 19, 2021, is hereby **RESCHEDULED** to occur as a video/teleconference using the CourtCall platform on **April 23, 2021**, at **11:00 a.m.** As requested, defense counsel will be given an opportunity to speak with the Defendant by telephone for fifteen minutes before the sentencing proceeding begins (i.e., at **10:45 a.m.**); defense counsel should make sure to answer the telephone number that was previously provided to Chambers at that time. (Chambers will provide counsel with a telephone number at which the interpreter can be reached at the time of the pre-conference; it is counsel's responsibility to conference the interpreter in with the Defendant for the pre-conference.)

To optimize the quality of the video feed, only the Court, the Defendant, defense counsel, and counsel for the Government will appear by video for the proceeding; all others will participate by telephone. Due to the limited capacity of the CourtCall system, only one counsel per party may participate. Co-counsel, members of the press, and the public may access the audio feed of the conference by calling 855-268-7844 and using access code 67812309# and PIN 9921299#.

In advance of the conference, Chambers will email the parties with further information on how to access the conference. Those participating by video will be provided a link to be pasted into

their browser. The link is non-transferrable and can be used by only one person; further, it should be used only at the time of the conference because accessing it earlier may cause disruptions to other proceedings.

To optimize use of the CourtCall technology, all those participating by video should:

- 1. Use the most recent version of Firefox, Chrome, or Safari as the web browser. Do **not** use Internet Explorer.
- 2. Use hard-wired internet or WiFi. If using WiFi, the device should be positioned as close to the Wi-Fi router as possible to ensure a strong signal. (Weak signals may cause delays or dropped feeds.)
- 3. Minimize the number of others using the same WiFi router during the conference. Further, all participants must identify themselves every time they speak, spell any proper names for the court reporter, and take care not to interrupt or speak over one another. Finally, all of those accessing the conference whether in listen-only mode or otherwise are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

If CourtCall does not work well enough and the Court decides to transition to its teleconference line, counsel should call 888-363-4749 and use access code 5421540#. (Members of the press and public may call the same number, but will not be permitted to speak during the conference.) In that event, and in accordance with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at <a href="https://www.nysd.uscourts.gov/hon-jesse-m-furman">https://www.nysd.uscourts.gov/hon-jesse-m-furman</a>, counsel should adhere to the following rules and guidelines during the hearing:

- 1. Each party should designate a single lawyer to speak on its behalf (including when noting the appearances of other counsel on the telephone).
- 2. Counsel should use a landline whenever possible, should use a headset instead of a speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.

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3. To facilitate an orderly teleconference and the creation of an accurate transcript, counsel are required to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care

not to interrupt or speak over one another.

4. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the new

participant and confirm that the court reporter has not been dropped from the call.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at

Criminal Proceeding with the Defendant prior to the proceeding. If the Defendant consents, and is

able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March

27, 2020, by defense counsel), defense counsel shall file the executed form at least 24 hours prior

to the proceeding. In the event the Defendant consents, but counsel is unable to obtain or affix the

Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding

to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

To the extent that there are any documents relevant to the proceeding (e.g., proposed orders

or documents regarding restitution, forfeiture, or removal), counsel should submit them to the Court

(by email or on ECF, as appropriate) at least at least 24 hours prior to the proceeding. To the

extent any documents require the Defendant's signature, defense counsel should endeavor to get

them signed in advance of the proceeding as set forth above; if defense counsel is unable to do so,

the Court will conduct an inquiry during the proceeding to determine whether it is appropriate for

the Court to add the Defendant's signature.

SO ORDERED.

Dated: April 14, 2021

New York, New York

United States District Judge

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YOR	RK					
UNITED STATES OF AMERICA, -v-		X			ROCEED BY VIDEO	<u>)</u>
, Defendant		X		-CR-	(JMF)	
Defendant	via video or	her teleconfer	eby volu encing:	ntarily co	nsents to	
Initial Appearance/Appointment	of Counsel					
Arraignment (If on Felony Information Indictment Form)	mation, Def	endant Mu	ıst Sign S	Separate W	aiver of	
Preliminary Hearing on Felony C	Complaint					
Bail/Revocation/Detention Heari	ing					
Status and/or Scheduling Confer	rence					
Misdemeanor Plea/Trial/Sentenc	ee					
Defendant's Signature (Judge may obtain verbal consent on Record and Sign for Defendant)	Defens	e Counsel	's Signat	ure		
Print Defendant's Name		Print Defe	ense Cou	nsel's Nar	ne	
This proceeding was conducted by reliab	ble video or	teleconfer	rencing to	echnology		
Date			U.S. I	District Jud		